

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

**IN RE: TESTOSTERONE REPLACEMENT
THERAPY PRODUCTS LIABILITY
LITIGATION**

**Case No. 1:14-CV-01748
MDL 2545**

This document relates to: ALL ACTIONS.

**CASE MANAGEMENT ORDER NO. 13
CASE MANAGEMENT PLAN – Part 1**

The Court orders the following:

I. INITIAL DISCLOSURES

Pursuant to Case Management Order (CMO) No. 7, the parties have waived the Automatic Disclosure requirements under the Federal Rules of Civil Procedure, notwithstanding that defendants have agreed to provide initial discovery pursuant to CMO 7.

II. DISCOVERY ON PLAINTIFFS (BY DEFENDANTS)

In accordance with CMO 9, a Plaintiff Fact Sheet shall be utilized to obtain discovery from plaintiffs in lieu of Interrogatories and Requests for Production under Fed. R. Civ. P 33 and 34, respectively. However, the Defendants shall have the right to propound additional discovery demands on those plaintiffs that are designated and/or selected as early trial cases (a/k/a bellwether plaintiffs). This additional discovery may also include deposition discovery of plaintiff(s), relevant witnesses, including treating and/or prescribing healthcare providers.

III. DISCOVERY ON DEFENDANTS (BY PLAINTIFFS)

A. Depositions.

1. Plaintiffs have already served 30(b)(6) deposition notices on certain

defendants on certain topics. The parties are conferring about the scope and content of such notices and, subject to such efforts as well as any rulings by the Court related to such depositions, it is the intent of the parties that deponents for the initial 30(b)(6) notices, including any that are served on or before September 30, 2014, will be produced for deposition on or before December 28, 2014.

2. It is the intent of the parties that substantive defense witness depositions shall not begin until January 2015.

B. Written Discovery.

1. Plaintiffs have already propounded their First Set of Interrogatories and First Set of Document Demands to the AbbVie defendants. Plaintiffs currently intend to propound additional interrogatories and document requests on the remaining defendants on a rolling basis. It is understood that the written discovery propounded on AbbVie shall be responded to in the following manner:

- i. Interrogatory responses and reference to requested documents on or before November 14, 2014.
- ii. Document production and responses documents and/or databases shall be produced via rolling productions that the parties will meet-and-confer over. However, the rolling productions shall commence November 14, 2014, with subsequent productions every 14 days until the production is complete.

2. As the PSC propounds its discovery on other defendants and/or any supplemental discovery on AbbVie and on the other defendants, the parties will meet-and-confer so as to come to a reasonable discovery production schedule, such that same can be memorialized by stipulation or subsequent case management order
3. The PEC shall serve on each defendant its initial demands for specific custodial files by a date to be determined. Each Defendant shall produce such custodial files within 45 days of the request, with certifications of completeness.

C. NDA/INDA.

1. The five (5) non-AbbVie defendants (Auxilium, Eli Lilly, Pfizer, Actavis, and Endo Pharmaceuticals) shall begin to produce their NDA and INDA files in the manner it is kept and maintained in the usual course of business, or in any other fashion, subject to agreement by the parties, to the PEC on or before November 14, 2014 and be completed by December 15, 2014.
2. The AbbVie defendants shall produce their respective NDAs and INDAs in the manner it is kept and maintained in the usual course of business, or in any other fashion, subject to agreement by the parties, to the PEC on or before November 14, 2014 and completed by December 15, 2014.

IT IS SO ORDERED.

Date: October 31, 2014


MATTHEW F. KENNELLY
United States District Judge